



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,801	09/06/2006	Kenichi Saito	2565-0299PUS1	4669
2292 7590 10/16/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER NGUYEN, NGA X				
ART UNIT 3662		PAPER NUMBER		
NOTIFICATION DATE 10/16/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/591,801

Applicant(s)

SAITO, KENICHI

Examiner

NGA X. NGUYEN

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1, 5-6 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiwa (20020156646) in view of Mattila (2004/0254724).

Kaiwa discloses:

- A communication section that receives from a positioning terminal transmission data and a carrier wave from a positioning SAT signals by using an ID code of the positioning terminal (see page 3, paragraph 46-48).
- A supporting gateway stores ID code of the terminal and decodes the transmission data by using ID code in order to prevent false transmission of data sent from a false terminal (see page 3, paragraph 46-53, and page 7-8, paragraph 147-172).
- A position computing section that computes a position of the positioning terminal based on the information sending out by a mobile terminal and SAT signals (see page 3, paragraph 47).
- A certificate generating section that generates a document on position information that is obtained by the position computing section (see page 4, paragraph 70)

- Wherein the certificate generating section, upon receipt of a position guarantee request made from a user terminal, certifies the position information by the position computing section (see page 4-5, paragraph 71-77).

Mattila teaches:

- A communication section that receives from a positioning terminal transmission data including encoded data of a positioning code and a carrier wave from a positioning SAT by using identification code of the positioning terminal (see page 6, paragraph 79-83 and page 8, paragraph 111).
- A decoding section that stores the identification code of the positioning terminal and decodes the transmission data by using the identification code (see page 9, paragraph 115).

It would have been obvious to modify Kaiwa by incorporating the teaching of Mattila's system to have a communication section to receive encoded data from mobile terminal and SATs and a decoding section decodes the transmission data and stores the identification code of the positioning terminal so as the server is enable to perform the terminal position without any false information.

2. Claim 2-4, 7 & 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiwa and Mattila as applied to claim 1, 5 & 8 above, and further in view of Troxler (2008/0004798).

With regard to claim 2 & 9, Troxler teaches that the communication section receives position information of a device located at another position and time information,

certifies the position information and one of information about the device indicating the another position and the time information (see page 7, paragraph 62).

It would have been obvious to modify Kaiwa by incorporating the teaching of Kaiwa and Mattila's system and further the teaching of Troxler's system to have a communication section receiving position information at a device located at another position and time information, certifies, and indicating that position and time so as the server is enable to perform the terminal position with a certification at another place and time of the terminal traveled.

With regard to claim 3 & 11, Troxler teaches that the location engaging the DGPS device, RTK, inertial and compass augmentations so that the communication section receives quality information about positioning accuracy from the positioning terminal (see page 5, paragraph 47) which meets the claim.

With regard to claim 4, 7 & 12, Troxler teaches:

- A receiving section that receives a position signal indicating a position of the positioning SAT (see page 10, paragraph 82).
- A signal accumulating section that stores the position signals received by the receiving section (see page 11, paragraph 83).
- Wherein the position computing section judges the transmission data of the positioning terminal by using the position signal stored, and computes a position of the positioning terminal on determining authenticity of the transmission data from the positioning terminal (see page 10, paragraph 78).

With regard to claim 10, Mattila teaches that the server sending out a message to have status codes such as "accepted or service access denied" (see page 11, paragraph 135-137) which meets the claim.

Response to Amendment

3. Applicant's reply to the Office Action on 07/07/2008 has been fully considered but they are not persuasive.

With respect to claim 1, 5, 6 & 8, applicant argues that the prior art failed to teach:

- A decoding section that stores the ID code of the positioning terminal and decodes the transmission data by using the ID code in order to prevent false transmission of data sent from a false terminal
- A position computing section that computes a position of the positioning terminal based on the positioning code decoded and the carrier wave decoded by the decoding section in order to prevent false transmission of data sent from a false terminal

Response: Kaiwa discloses:

- A decoding section (Fig.8, Security Sd1, Sd2, Sd7, and Sd6) stores the ID code of the terminal and decodes the transmission data by using the ID code in order to prevent false transmission of data sent from a false terminal (see page 3, paragraph 46-53, and page 7-8, paragraph 147-172).

Mattila teaches:

- A communication section that receives from a positioning terminal transmission data including encoded data of a positioning code and a carrier wave from a

positioning SAT by using identification code of the positioning terminal (see page 6, paragraph 79-83 and page 8, paragraph 111).

It would have been obvious to modify Kaiwa's system that has a security section to store the terminal's ID and using the ID to decode the transmission by incorporating the teaching of Mattila's system to have a communication section to receive encoded data from mobile terminal and SATs and a decoding section decodes the transmission data and stores the identification code of the positioning terminal so as the server is enable to perform the terminal position without any false information.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGA X. NGUYEN whose telephone number is (571)272-5217. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TARCZA H. THOMAS can be reached on (571) 272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NGA X NGUYEN
Examiner
Art Unit 3662

NXN

/Thomas H. Tarcza/

Supervisory Patent Examiner, Art Unit 3662